

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 22-11994-RGS

ANTWAN GONSALVES,
Petitioner

v.

MICHAEL RODRIGUES,
Respondent

ORDER ON REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

September 3, 2024

STEARNS, D.J.

I agree with Magistrate Judge Boal's incisive analysis of the record and her comprehensive summary of the applicable habeas law. I also agree with her conclusions that: (1) the Massachusetts Supreme Judicial Court's (SJC) determination that petitioner had not been denied the effective assistance of counsel was reasonable under the standard of *Strickland v. Washington*, 466 U.S. 668 (1984); and (2) that petitioner has failed to effectively contravene the SJC's conclusion that his failure to establish a viable due process sufficiency-of-the-evidence claim under *Jackson v. Virginia*, 443 U.S. 307 (1979), was objectively unreasonable. Specifically, I agree with the Magistrate Judge's determination that *Commonwealth v. Castillo*, 485

Mass. 852 (2020), which prospectively revised the *Cunneen* requirements supporting a finding of extreme atrocity or cruelty (after petitioner's trial) has no bearing on the validity of petitioner's guilty verdict.

Consequently, the Magistrate Judge's Recommendation is ADOPTED, and Gonsalves's petition is DISMISSED with prejudice. The Clerk will enter judgment for the Respondent and close the case. Petitioner is advised that any request for the issuance of a Certificate of Appealability pursuant to 28 U.S.C. § 2253, is also DENIED, the court discerning no meritorious or substantial basis supporting an appeal.¹

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE

¹ Rodrigues has not filed a timely Objection to the Magistrate Judge's Report and Recommendation.